

## Message Text

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ACTION L-03

INFO OCT-01 ARA-06 ISO-00 JUSE-00 H-01 DHA-02 CIAE-00

INR-07 NSAE-00 PM-04 NSC-05 SP-02 SS-15 /046 W

-----210459Z 120334 /16

R 202105Z JAN 77

FM AMEMBASSY MEXICO

TO SECSTATE WASHDC 9812

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FOR L PROF. VAGHTS: JUSTICE MR. STEIN

E.O. 11652: N/A

TAGS: PFOR, MX

SUBJ: TREATY ON EXECUTION OF PENAL SENTENCES

REF: MEXICO 0548

1. EMBASSY LEGAL ADVISER GAITHER MET WITH UNDER SECRETARY ROSENZWEIG-DIAZ ON JANUARY 19 AND DISCUSSED THE PROBLEM OF MAKING CORRECTIONS IN THE SPANISH TEXT OF SUBJECT TREATY.

2. ROSENZWEIG STATED THAT HE HAD DECIDED HE WOULD PREFER TO ACCOMPLISH THE CHANGES BY AN EXCHANGE OF CORRECTIVE NOTES AND THAT HE WISHED TO MAKE THE CHANGE IN ARTICLE 8, PARAGRAPH 1. THIS CHANGE WOULD BE ACCOMPLISHED BY PREFACING THE FINAL SENTENCE OF THE PARAGRAPH WITH THE PHRASE "PARA EL TRALADO."

3. WITH RESPECT TO ARTICLE 5, PARAGRAPH 2, ROSENZWEIG WOULD APPRECIATE A LEGAL DEFINITION AND SOME PRACTICAL EXAMPLES OF THE TERM "CONDITIONAL SENTENCE" UNDER US LAW. HE STATED THAT UNDER MEXICAN LAW CONDITIONAL SENTENCE WOULD NORMALLY APPLY TO A JUDGMENT RENDERED AND A SENTENCE WHICH WAS SUSPENDED WITH RESTRICTIONS AS TO THE INDIVIDUAL'S ACTIVITIES: EG.

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THAT THE INDIVIDUAL WORK AND MAINTAIN GOOD BEHAVIOR ETC. IF THE INDIVIDUAL COMMITTED ANOTHER CRIME DURING THE PERIOD OF THE TERM OF THE SENTENCE, HE WOULD THEN BE SUBJECT TO IMPRISONMENT FOR THE TERM OF THE SECOND OFFENSE PLUS THE TERM OF THE FIRST OFFENSE. UNLESS THERE ARE OBJECTIONS FORESEEN, SUGGEST THAT THE EXPLANATION BE CONVEYED TELEPHONICALLY TO EMBASSY LEGAL ADVISER BY DEPT. AND

JUSTICE.

4. EMBASSY LEGAL ADVISER HAS UNDERTAKEN TO PREPARE DRAFT  
OF EXCHANGE OF NOTES.  
THOMPSON

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NNN

## Message Attributes

**Automatic Decaptioning:** X  
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**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
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**Disposition Approved on Date:**  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 22 May 2009  
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**Disposition Reason:**  
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**Review Markings:**  
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